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RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3627
Due Date: May 18, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Paul H. Phibbs, Jr.	Examiner:	Andrew J. Rudy
Serial No.:	09/943,060	Group Art Unit:	3627
Filed:	August 30, 2001	Docket:	9391
Title:	CAPITAL ALLOCATION IN A NET INTEREST REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and
Trademark Office on May 18, 2005.

By: 

Name: George H. Gates

PETITION UNDER 37 C.F.R. §1.181 AND
REQUEST FOR REFUND OF THE EXTENSION FEES

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition is being submitted to invoke the supervisory authority of the Commissioner under 37 C.F.R. §1.181 involving an ex parte action in the above-identified patent application that is not subject to appeal and not otherwise provided for.

The Applicant's attorney requests a review of the final rejection made in an Office Action dated November 18, 2004, for the above-identified patent application. This Petition is being submitted in response to the final Office Action.

There was no indication in the Office Action, either on its cover page or within the body of the Office Action, that the Office Action was being made final. Thus, Applicant's attorney submitted a response under 37 C.F.R. §1.111 on March 16, 2005, and expected to receive another Office Action in response thereto. Instead, Applicant's attorney received an Advisory Action. Thereafter, Applicant's attorney reviewed PAIR and noticed that the Office Action was entered into PAIR as a final Office

Action. Consequently, Applicant must now pay a 3 month extension of time in order to file a Notice of Appeal.

As such, it is respectfully submitted that an error on the part of the Office, in failing to indicate on the Office Action itself that the Office Action was being made final, necessitates the payment of a 3 month extension of time. As a result, Applicant's attorney respectfully requests that the payment of the 3 month extension of time be refunded.

This Petition is being submitted by facsimile, and thus Applicant's attorney requests that any required Petition fees be charged to Deposit Account No. 14-0225 of NCR Corporation, the assignee of the present invention. Any other fees should be charged to Deposit Account No. 14-0225 as well. Further, any refunds of fees should be credited to Deposit Account No. 14-0225.

Respectfully submitted,


Paul H. Phibbs, Jr.

By his attorneys,

GATES & COOPER LLP

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(310) 641-8797

Date: May 18, 2005

By: 
Name: George H. Gates
Reg. No.: 33,500